

REMARKS

Claims 1-12 and 16-27 are pending. Claims 1, 9, and 20 have been amended, and claims 28 and 29 have been added by this amendment.

The Office Action dated January 25, 2007 has been reviewed, and the comments of the U.S. Patent Office have been considered. The Office Action appears to have been written to address a different set of claims from the claims that are pending in this case. For example, the office action states that there are 15 claims pending, while the most recent amendment resulted in the cancellation of claims 12-13 and contained claims 16-27.

The Dennehey reference is distinguished from the present claims in that Dennehey has two gripping elements 256 that move horizontally toward each to grasp the tray 26 and bring it into engagement with various actuators. In the process, tubing loops are lowered over pump rotors whose rollers are in a retracted position during loading. Later, the rollers extend in a radial direction relative to the rotor axis to pinch the tubing loops to pump fluid. This is in contrast to the recitation of the claims.

For example, claim 1 recites “separate engagement elements that, which are movable relative to each other to be may be brought together around said respective portions to engage said fluid circuit portions by forcing a first of said engagement elements against a second of said engagement elements, at least one of the engagement elements carrying the peristaltic pump mechanism” and “the cartridge is moved horizontally toward the alignment member, the support and alignment member being such that a single vertical motion to rest the cartridge on the support followed by a single horizontal motion of the cartridge to engage the alignment member.” At least these clauses are not satisfied by Dennehey.

Claim 9 recites:

peristaltic pump mechanism carried by at least one of two separate engagement elements ... locating said fluid circuit respective portions between said separate engagement elements; moving at least one of said engagement elements toward the other to bring them together such that the engagement elements squeeze said respective portions therebetween

Claim 20 recites:

the blood treatment device including engagement elements that brought into engagement with the fluid circuit portions by moving a first of the engagement elements toward a second of the engagement elements; the blood treatment device having a support configured to permit the cartridge to rest thereon and an alignment member shaped to align the cartridge with the at least one peristaltic pump mechanism when the cartridge is moved horizontally

Claim 28 recites “moving the fluid circuit horizontally toward the alignment member until the fluid circuit is engaged by the alignment member restricting the movement of the at least two tubes and causing the at least two tubes to be in alignment with the at least one pump roller.”

Claims 1, 9, and 20 have been amended to make them clearer. Newly added claims 28 and 29 are presented for the Examiner’s review for consideration.

In view of the arguments relative to Dennehey, it is believed the rejection of the claims over the secondary reference are moot.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this Application.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,

Date: April 27, 2007
Patent Administrator
Proskauer Rose LLP
1001 Pennsylvania Avenue, NW
Suite 400
Washington, DC 20004
Telephone: 202.416.6800
Facsimile: 202.416.6899
CUSTOMER NO: 61263



Mark A. Catan
Attorney for Applicant
Reg. No.: 38,720

Customer No. 61263